

ORVAL DORIOUS
NO. 08510-081
F.P.C. NELLIS
CS 4500
NELLIS A.F.B.
N. LAS VEGAS, NV
89036

DEFENDANT PRO SE

FILED
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DISTRICT OF UTAH

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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,	:	NO. 2:00-CR-00608 ST
	:	
Plaintiff,	:	DEFENDANT'S MOTION TO
	:	AMEND JUDGMENT TO
vs	:	ELIMINATE OR REDUCE FINE
	:	
ORVAL DORIOUS,	:	
	:	
Defendant.	:	

COMES NOW THE DEFENDANT, appearing pro se and in forma pauperis, and pursuant to the applicable Federal Rules and Statutes as they may apply, respectfully Moves the Court to Amend the Judgment in this matter to eliminate or substantially reduce the fine imposed. This Motion is based upon a material change in the financial circumstances of the Defendant; and in support, the Defendant submits the following:

1. The Defendant was Sentenced in June, 2001: to a term of 60 months in prison, and a fine of \$5,000.
2. At the time of the imposition of this fine, the Court used the information in the Defendant's Presentence report, indicating that the Defendant had a net worth of

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over \$54,000, and a monthly income in excess of \$2,000.

3. The Net worth was based upon the Defendant's then owning two residential properties, and four vehicles, and \$25,000 in personal furnishings.

4. The monthly income was based upon the Defendant's \$1,200 per month salary as a mechanic, and \$850 per month from rental income on the second property.

5. In conjunction with being convicted and coming to prison, the Defendant has lost the majority of his net worth, and has no present income (and will not have the income from the second/rental property).

6. The Defendant's present net worth (using the items from his Presentence Report, is negative: the 1979 Ford, the 1954 Ford, with a combined value of \$2,000, less the Matco Tools debt of (now) more than \$3,000. Plus, the Defendant has an ongoing family support obligation, which was \$3,200 in January of this year (see Exhibit A attached hereto).

7. The Defendant has no current income, and he is going to be limited in his income by the fact of his conviction; and in any case, will not have the \$850 per month from the rental property.

8. The Defendant will be obligated to pay the ongoing current \$400 per month for family support, plus make payments on the accumulated arrearages (which will have reached more than \$11,000 by the time of his January '05 release).

9. The Defendant simply does not have the financial resources, nor has he the likelihood of regular income in

the future, to even begin to make regular payments on the \$5,000 fine imposed by the Court.

THEREFORE, the Defendant respectfully Moves the Court to Amend the Judgment, to vacate the fine (or to substantially reduce it) based upon the changed circumstances.

DATED AND SUBMITTED this 10 day of October, 2003.



ORVAL DORIUS, DEFENDANT PRO SE

CERTIFICATE OF MAILING

THE UNDERSIGNED CERTIFIES that on the 10 day of October, 2003, a copy of the foregoing MOTION RE: FINE was mailed via first class postage prepaid mail addressed to the Assistant U.S. Attorney, U.S. Courthouse, 350 South Main Street, Salt Lake City, Utah 84101.
